

US009585458B2

(12) **United States Patent**
Teller et al.

(10) **Patent No.:** **US 9,585,458 B2**
(45) **Date of Patent:** **Mar. 7, 2017**

(54) **LIP BALM WITH SPHERICAL SURFACE AND METHOD FOR PRODUCING**

(58) **Field of Classification Search**
CPC . A45D 2040/0012; A45D 40/12; A49D 40/16
(Continued)

(71) Applicant: **EOS PRODUCTS, LLC**, New York, NY (US)

(56) **References Cited**

(72) Inventors: **Jonathan Teller**, New York, NY (US);
Craig Dubitsky, Montclair, NJ (US);
Coral Garvey, Brooklyn, NY (US);
Dennis Payongayong, Brooklyn, NY (US)

U.S. PATENT DOCUMENTS

75,524 A 2/1868 Chase
1,852,455 A 4/1932 Friedman
(Continued)

(73) Assignee: **EOS PRODUCTS, LLC**, New York, NY (US)

FOREIGN PATENT DOCUMENTS

EM 000031679-0001 11/2007
EP 0 433 150 6/1991
(Continued)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

OTHER PUBLICATIONS

(21) Appl. No.: **15/016,257**

U.S. Appl. No. 29/411,931, filed Jan. 2012, Teller.
(Continued)

(22) Filed: **Feb. 4, 2016**

Primary Examiner — Jennifer C Chiang

(65) **Prior Publication Data**

US 2016/0262522 A1 Sep. 15, 2016

(74) *Attorney, Agent, or Firm* — Martin & Ferraro, LLP

(57) **ABSTRACT**

Related U.S. Application Data

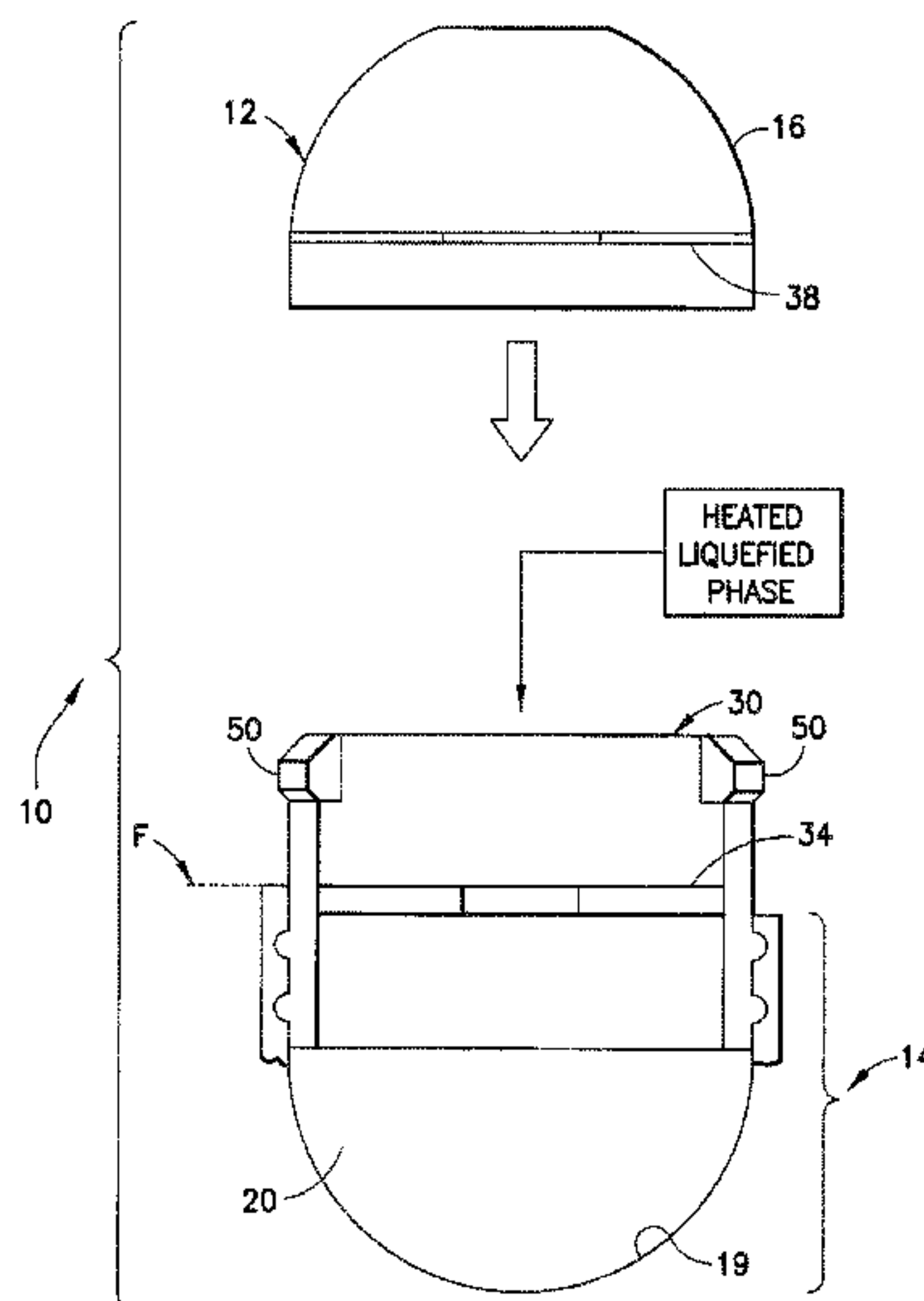
(63) Continuation of application No. 13/941,204, filed on Jul. 12, 2013, now abandoned, which is a
(Continued)

A lip balm applicator product comprises upper and lower portions that are connectable together to define the applicator product being of a substantially spherical shape. A support platform is located in the lower portion and accommodates a quantity of lip balm having an arcuate surface. A lip balm comprises a composition of waxes and oils in solid form and formed to have an arcuate surface. The composition is formed to have the arcuate surface using a hot pour process. A method of manufacturing a lip balm comprises providing a receptacle having a concave arcuate surface. A lip balm material in a heated, liquefied phase is poured into the receptacle. Once poured, the heated, liquefied phase is allowed to solidify such that a surface of the solidified lip balm material has an arcuate configuration that corresponds to the concave arcuate surface of the receptacle.

(51) **Int. Cl.**
A45D 40/20 (2006.01)
A45D 40/00 (2006.01)
(Continued)

(52) **U.S. Cl.**
CPC *A45D 40/0068* (2013.01); *A45D 40/00* (2013.01); *A45D 40/12* (2013.01);
(Continued)

44 Claims, 4 Drawing Sheets



Related U.S. Application Data

continuation of application No. 13/891,268, filed on May 10, 2013, now abandoned, which is a continuation of application No. 12/632,114, filed on Dec. 7, 2009, now Pat. No. 8,444,337.

(51) **Int. Cl.**

A45D 40/16 (2006.01)
A61K 8/31 (2006.01)
A61K 8/92 (2006.01)
A61Q 19/00 (2006.01)
A45D 40/26 (2006.01)
B29C 39/02 (2006.01)
B65B 5/10 (2006.01)
A45D 40/12 (2006.01)
A61K 8/97 (2006.01)

(52) **U.S. Cl.**

CPC *A45D 40/16* (2013.01); *A45D 40/26* (2013.01); *A61K 8/31* (2013.01); *A61K 8/922* (2013.01); *A61K 8/925* (2013.01); *A61K 8/927* (2013.01); *A61K 8/97* (2013.01); *A61Q 19/001* (2013.01); *B29C 39/026* (2013.01); *B65B 5/103* (2013.01); *A45D 2040/0012* (2013.01); *A61K 2800/87* (2013.01)

(58) **Field of Classification Search**

USPC 401/49, 88, 98
 See application file for complete search history.

(56)

References Cited

U.S. PATENT DOCUMENTS

D112,545 S 12/1938 Younghusband
 2,171,112 A 8/1939 Hoffman
 2,201,467 A 5/1940 Bloom
 D129,291 S 9/1941 Petzold
 D130,030 S 10/1941 Meyer
 2,314,338 A 3/1943 Graves et al.
 2,568,688 A 9/1951 Sidney
 2,745,642 A 5/1956 Herman
 D180,109 S 4/1957 Slater
 2,859,085 A 11/1958 Morrison
 2,998,896 A 9/1961 Miller
 3,085,709 A 4/1963 Klein
 3,292,840 A 12/1966 Schmidt
 3,494,515 A 2/1970 Fattori
 D219,496 S 12/1970 Lebedeff
 3,741,379 A 6/1973 Kappler et al.
 D230,954 S 3/1974 Gregorietti
 3,843,120 A 10/1974 Ricci
 D240,711 S 7/1976 Angleman et al.
 D243,585 S 3/1977 Angleman et al.
 4,044,889 A 8/1977 Orentreich et al.
 4,124,135 A 11/1978 Weder et al.
 D253,394 S 11/1979 Berghahn et al.
 D255,653 S 7/1980 Lipsz
 D255,990 S 7/1980 Lucas
 D256,095 S 7/1980 Sandonato
 4,235,557 A 11/1980 Hayes
 D258,199 S 2/1981 Torongo, Jr.
 D261,105 S 10/1981 Schwartz
 4,342,522 A 8/1982 Mackles
 D266,146 S 9/1982 Morris
 4,369,158 A * 1/1983 Woodruff A45D 40/04
 264/268
 D272,723 S 2/1984 Baker
 D273,766 S 5/1984 Lampe
 D280,289 S 8/1985 Aldrich, III et al.
 D286,616 S 11/1986 Becker
 4,728,210 A 3/1988 Barish et al.
 4,765,501 A 8/1988 Kao
 4,781,483 A 11/1988 Lorscheidt

D302,384 S 7/1989 Holewinski
 D317,118 S 5/1991 Crawford
 5,025,817 A 6/1991 Wen
 5,044,496 A 9/1991 Tanaka et al.
 5,061,102 A 10/1991 Rennie
 D321,319 S 11/1991 Giuseppe
 5,092,700 A 3/1992 Susini et al.
 5,137,185 A 8/1992 Mitchell
 5,167,462 A 12/1992 Lucas
 D333,780 S 3/1993 Jones et al.
 D333,784 S 3/1993 Goodman
 D339,986 S 10/1993 Garouste et al.
 D343,699 S 1/1994 Yang
 5,287,979 A 2/1994 Bourgeois
 D346,112 S 4/1994 Alcindor
 D354,441 S 1/1995 Fontanella
 D357,584 S 4/1995 Swingier
 D368,220 S 3/1996 Bicknell et al.
 5,496,122 A 3/1996 Fattori
 D368,427 S 4/1996 Bicknell et al.
 5,503,825 A 4/1996 Lane
 5,542,557 A 8/1996 Koyama et al.
 D377,757 S 2/1997 Bertolini
 D387,662 S 12/1997 Bright
 D389,409 S 1/1998 Tucker
 5,733,617 A 3/1998 Baduel
 D393,421 S 4/1998 Kovens
 5,738,123 A 4/1998 Szekely
 5,743,404 A 4/1998 Melashenko et al.
 5,792,496 A 8/1998 Fekete
 D398,533 S 9/1998 Kotyuk, Jr. et al.
 5,799,667 A * 9/1998 Szekely A45D 40/16
 132/200
 5,808,215 A 9/1998 Kralik et al.
 5,813,784 A 9/1998 Durliat
 D406,764 S 3/1999 Bright et al.
 5,884,637 A 3/1999 Joulia
 D408,738 S 4/1999 Wu
 5,897,263 A 4/1999 Fattori
 5,925,391 A 7/1999 Whetstone, Jr.
 5,988,424 A 11/1999 Kovens
 6,010,264 A 1/2000 Scuderi et al.
 6,029,842 A 2/2000 Sheffler et al.
 D422,904 S 4/2000 Lepsius et al.
 6,050,438 A 4/2000 Kovens et al.
 6,099,872 A 8/2000 Whetstone, Jr.
 6,193,427 B1 * 2/2001 Benguigui A45D 40/16
 206/823
 D443,726 S 6/2001 Faillant-Oumas
 6,283,658 B1 9/2001 Estevez et al.
 6,391,972 B1 5/2002 Hatakeyama
 D458,835 S 6/2002 Oelli-Venneri
 D459,216 S 6/2002 Heijdenrijk
 D465,733 S 11/2002 Hill
 D466,252 S 11/2002 Yu
 6,568,156 B2 5/2003 Silvers et al.
 D476,111 S 6/2003 Karafotas
 D476,884 S 7/2003 Miranda
 6,626,313 B2 9/2003 Herbstreit et al.
 D480,633 S 10/2003 Miranda
 D484,646 S 12/2003 Ditrichstein
 6,688,795 B1 2/2004 Jacob
 D489,148 S 4/2004 Sheng
 6,773,187 B2 8/2004 Gueret
 D504,979 S 5/2005 Lai
 D507,177 S 7/2005 Weissman
 7,021,849 B2 4/2006 Ramet
 D534,076 S 12/2006 Green et al.
 D554,529 S 11/2007 Green et al.
 D561,608 S 2/2008 Hogben
 D562,699 S 2/2008 Green et al.
 D564,900 S 3/2008 Green et al.
 D573,026 S 7/2008 Tsai
 D577,583 S 9/2008 Porter et al.
 D577,584 S 9/2008 Porter et al.
 D578,393 S 10/2008 Canamasas Puigbo
 D592,064 S 5/2009 Kilany
 D592,512 S 5/2009 Dubitsky et al.
 D598,608 S 8/2009 Baumer

(56)

References Cited

U.S. PATENT DOCUMENTS

D602,663 S 10/2009 Pennington
 7,631,781 B2 12/2009 Chen
 D608,650 S 1/2010 Eisen
 D609,103 S 2/2010 Marold et al.
 D609,107 S 2/2010 Dubitsky et al.
 D610,458 S 2/2010 Martin
 D612,245 S 3/2010 Canamasas Puigbo
 D613,616 S 4/2010 Renz et al.
 7,695,727 B2* 4/2010 Magee A61K 8/0229
 424/401
 7,699,062 B2 4/2010 Sasaki
 D615,818 S 5/2010 Jansen
 D618,397 S 6/2010 Dubitsky et al.
 D618,398 S 6/2010 Dubitsky et al.
 D625,469 S 10/2010 Dubitsky
 D631,204 S 1/2011 Dubitsky et al.
 7,878,793 B2 2/2011 Quillin et al.
 D644,939 S 9/2011 Teller
 8,444,337 B2 5/2013 Teller
 8,651,308 B1 2/2014 Sung
 8,747,002 B2 6/2014 Izkovitz
 D710,544 S 8/2014 Shen
 8,888,391 B2 11/2014 Teller et al.
 9,232,844 B2 1/2016 Thompson
 D748,976 S 2/2016 Mitchell
 2002/0003983 A1 1/2002 Gueret
 2002/0008105 A1 1/2002 Herbstreit et al.
 2003/0077102 A1 4/2003 Bourjal
 2003/0161851 A1 8/2003 Breha, III et al.
 2003/0201201 A1 10/2003 Cheng
 2004/0005186 A1 1/2004 Ueda et al.
 2006/0076033 A1 4/2006 Bouix
 2006/0201838 A1 9/2006 Sasaki
 2006/0254945 A1 11/2006 Green et al.
 2007/0017915 A1 1/2007 Weder et al.
 2007/0108092 A1 5/2007 Minuto et al.
 2007/0280773 A1 12/2007 Warren
 2008/0019758 A1 1/2008 Mallardi
 2008/0110854 A1 5/2008 Kelly
 2008/0131187 A1 6/2008 Breidenbach et al.
 2008/0213028 A1 9/2008 Hosokawa et al.
 2009/0022541 A1 1/2009 De LaForcade
 2009/0028625 A1 1/2009 Bonneyrat
 2011/0024316 A1 2/2011 Ginsburg
 2011/0135377 A1 6/2011 Teller
 2011/0253731 A1 10/2011 Smith
 2013/0302080 A1 11/2013 Teller et al.
 2013/0322950 A1 12/2013 Teller
 2013/0330427 A1 12/2013 Smigel et al.
 2013/0341832 A1 12/2013 Teller et al.
 2013/0341833 A1 12/2013 Teller et al.
 2014/0013712 A1 1/2014 Teller
 2014/0105666 A1 4/2014 Teller
 2015/0037082 A1 2/2015 Pires et al.
 2015/0182004 A1 7/2015 Teller et al.

FOREIGN PATENT DOCUMENTS

EP 0 628 393 4/1994
 ES 0505578-01 11/2007
 FR 2563711 5/1984
 FR 0628393 4/1994
 FR 2726443 3/1995
 FR 2766339 7/1997
 FR 2925263 12/2007
 GB 2162822 5/1985
 GB 2007213 5/1990
 JP 1136041 3/2002
 JP 455237-001 6/2003
 JP 1175238 6/2003
 JP 2004106932 4/2004
 JP 2001321140 11/2004
 JP 2004321410 11/2004

JP 2006-204821 9/2006
 KR 20090006972 1/2009
 WO WO 2007/007288 1/2007

OTHER PUBLICATIONS

U.S. Appl. No. 29/411,933, filed Jan. 2012, Teller.
 U.S. Appl. No. 13/891,264, filed May 2013, Teller.
 U.S. Appl. No. 14/973,717, filed Dec. 2015, Teller.
 U.S. Appl. No. 14/988,740, filed Jan. 2016, Teller.
eos Products LLC v. Oralabs, Inc. et al. Complaint in US District Court for the District of Delaware; Jun. 4, 2015.
eos Products LLC and The Kind Group LLC Complaint against Oralabs, Inc. et al. in US International Trade Commission; Jun. 12, 2015.
 Claim Chart for CVS products; Jun. 12, 2015.
 Claim Chart for Dollar Tree products; Jun. 12, 2015.
 Claim Chart for Five Below products; Jun. 12, 2015.
 Claim Chart for Walgreens products; Jun. 12, 2015.
 Claim Chart for Domestic Industry products; Jun. 12, 2015.
 Third Party Observations in Application No. EP20100836463; Jun. 15, 2015.
 Letter from Oralab's Counsel regarding ITC Case; Jul. 20, 2015.
 CVS Response to ITC Complaint; Aug. 24, 2015.
 Five Below Response to ITC Complaint; Aug. 24, 2015.
 Walgreens' Response to ITC Complaint; Aug. 24, 2015.
 Respondents' First Set of Interrogatories to Complainants; Aug. 27, 2015.
 International Search Report for PCT/US2010/059025 dated Aug. 31, 2011; 2 pages.
 Lancome Baume Baiser (date unclear—for purpos of examination—please consider as prior art).
 Letter from John L. Welsh enclosing Draft IPR Petition; Jul. 27, 2015.
 Office Action dated Mar. 20, 2015, received in related application No. 201080063211 pending in SIPO.
 SIPO Office Action issued Jul. 17, 2014 in connection with CN Appl. No. 201080063211.X JP 2004-321410A and JP 1136041S (listed separately).
 Webpage from www.amazon.com showing "Lancome Baume Baiser Hydrating Balm Sensual Massage for Lips" product and images (3 pages).
 Webpage <http://www.musingsofamuse.com/2009/10/beauty-on-a-budget-eos-lip-b-alm-review.html>, Oct. 1, 2009.
 EP 2509461 Observations by Third Parties; Jan. 16, 2014.
 EP 2509461 Office Action; Oct. 10, 2014.
 EP 2509461 Office Action; May 26, 2015.
 EP 2509461 Observations by Third Parties; Jun. 9, 2015.
 Letter from Oralabs' Counsel regarding ITC Case; Sep. 9, 2015.
 Office Action in CN201080063211; Oct. 8, 2015.
 EP 2509461 Observations by Third Parties; Oct. 28, 2015.
 EP 2509461 Observations by Third Parties; Jan. 29, 2016.
 EP 2509461 Observations by Third Parties; Mar. 7, 2016.
 Office Action in CN201510024881.5; Apr. 5, 2016.
 EP 2509461 Observations by Third Parties; Jun. 30, 2016.
 Office Action in EP16166294.5-1653; Aug. 11, 2016.
 Office Action in CN201510024881.5; Aug. 23, 2016.
 Office Action in U.S. Appl. No. 12/632,114; Jul. 2, 2012.
 Office Action in U.S. Appl. No. 12/632,114; Nov. 30, 2012.
 Notice of Allowance in U.S. Appl. No. 12/632,114; Apr. 18, 2013.
 Office Action in U.S. Appl. No. 13/891,268; Apr. 30, 2015.
 Office Action in U.S. Appl. No. 13/941,228; Dec. 2, 2013.
 Office Action in U.S. Appl. No. 13/941,228; Apr. 21, 2014.
 Notice of Allowance in U.S. Appl. No. 13/941,228; Aug. 27, 2014.
 Office Action in U.S. Appl. No. 13/941,060; Dec. 2, 2013.
 Office Action in U.S. Appl. No. 13/941,060; Jul. 15, 2014.
 Office Action in U.S. Appl. No. 13/941,060; Nov. 19, 2014.
 Office Action in U.S. Appl. No. 13/941,060; Apr. 17, 2015.
 Office Action in U.S. Appl. No. 13/941,204; Mar. 25, 2015.
 Notice of Allowance in U.S. Appl. No. 13/941,204; Nov. 5, 2015.
 Office Action in U.S. Appl. No. 13/972,893; Nov. 5, 2013.
 Office Action in U.S. Appl. No. 13/972,893; Mar. 4, 2014.

(56)

References Cited

OTHER PUBLICATIONS

Office Action in U.S. Appl. No. 13/972,893; Jun. 18, 2014.
Office Action in U.S. Appl. No. 13/972,893; Sep. 24, 2014.
Office Action in U.S. Appl. No. 13/972,893; Mar. 31, 2015.
Office Action in U.S. Appl. No. 13/972,893; Jul. 29, 2015.
Office Action in U.S. Appl. No. 13/972,896; Mar. 5, 2014.
Notice of Allowance in U.S. Appl. No. 13/972,896; Aug. 1, 2014.
Notice of Allowance in U.S. Appl. No. 13/972,896; Nov. 6, 2014.
Notice of Allowance in U.S. Appl. No. 13/972,896; Feb. 13, 2015.
Notice of Allowance in U.S. Appl. No. 13/972,896; Sep. 18, 2015.
Office Action in U.S. Appl. No. 13/972,896; May 27, 2015.
Office Action in U.S. Appl. No. 13/972,896; Jul. 16, 2015.
Office Action in U.S. Appl. No. 13/972,898; Mar. 7, 2014.
Office Action in U.S. Appl. No. 13/972,898; Jun. 23, 2015.
Notice of Allowance in U.S. Appl. No. 13/972,898; Aug. 1, 2014.
Notice of Allowance in U.S. Appl. No. 13/972,898; Oct. 17, 2014.
Notice of Allowance in U.S. Appl. No. 13/972,898; Dec. 11, 2014.
Notice of Allowance in U.S. Appl. No. 13/972,898; Feb. 2, 2015.
Notice of Allowance in U.S. Appl. No. 13/972,898; May 14, 2015.
Notice of Allowance in U.S. Appl. No. 13/972,898; Jul. 21, 2015.
Notice of Allowance in U.S. Appl. No. 13/972,898; Jul. 27, 2015.
Notice of Allowance in U.S. Appl. No. 13/972,898; Oct. 6, 2015.
Born Pretty Store, "50Pcs/set Dry Wet Amphibious Sponge Powder Puff Round Rectangle Puff Beauty Makeup Tool", Accessed Nov. 14, 2016. (<http://www.bornprettystore.com/50pcsset-amphibious-sponge-powder-puffround-rectangle-puff-beauty-makeup-tool-p-34825.html>).

Born Pretty Store, "1Pc Pro Powder Puff Beauty Cute Egg Shape Sponge Make-up Foundation Makeup (Random Color)", Accessed Nov. 14, 2016. (<http://www.bornprettystore.com/powder-puff-beauty-cute-shapesponge-make-foundation-makeuprandom-color-p-20027.html>).

* cited by examiner

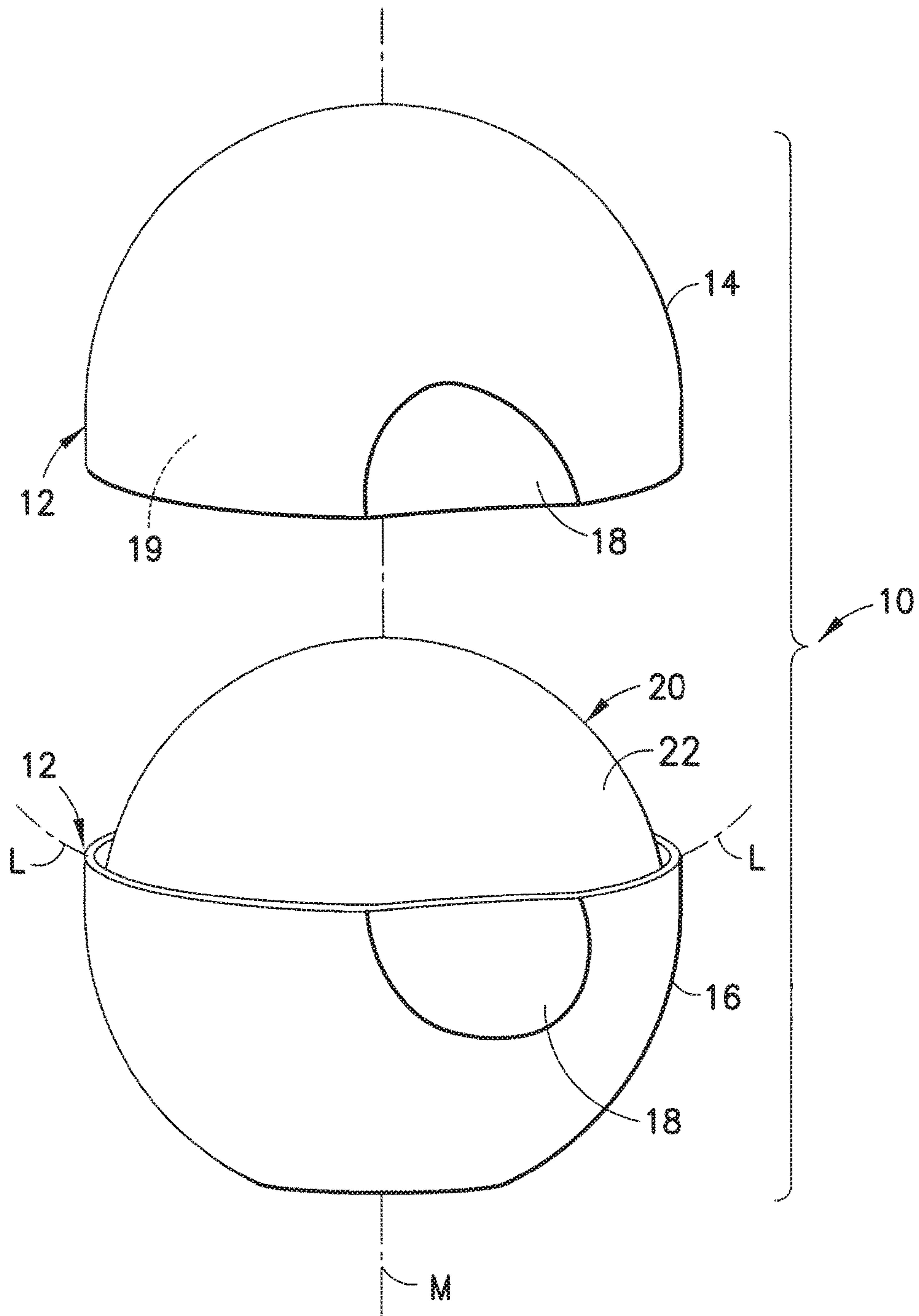


FIG. 1

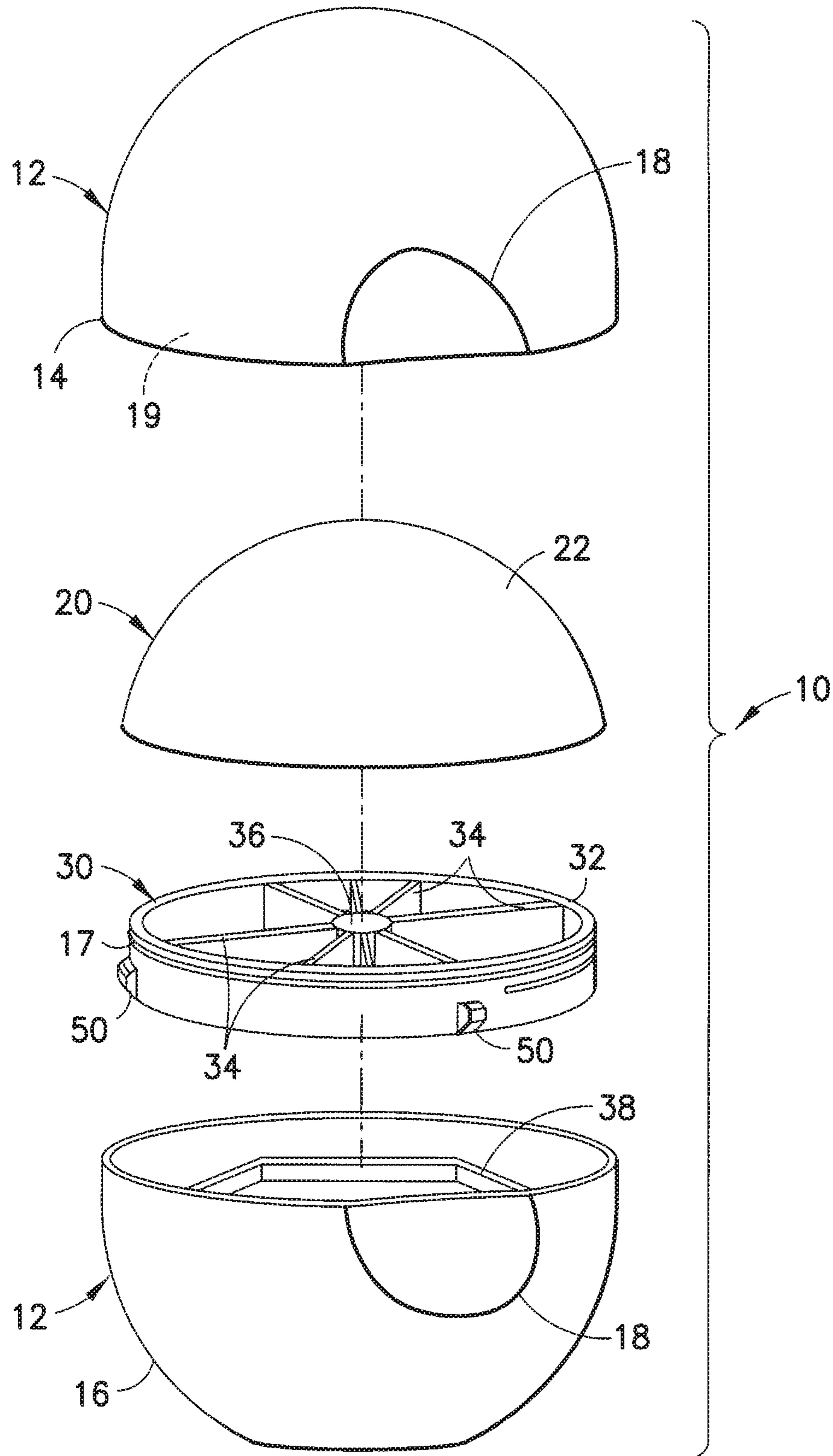


FIG.2

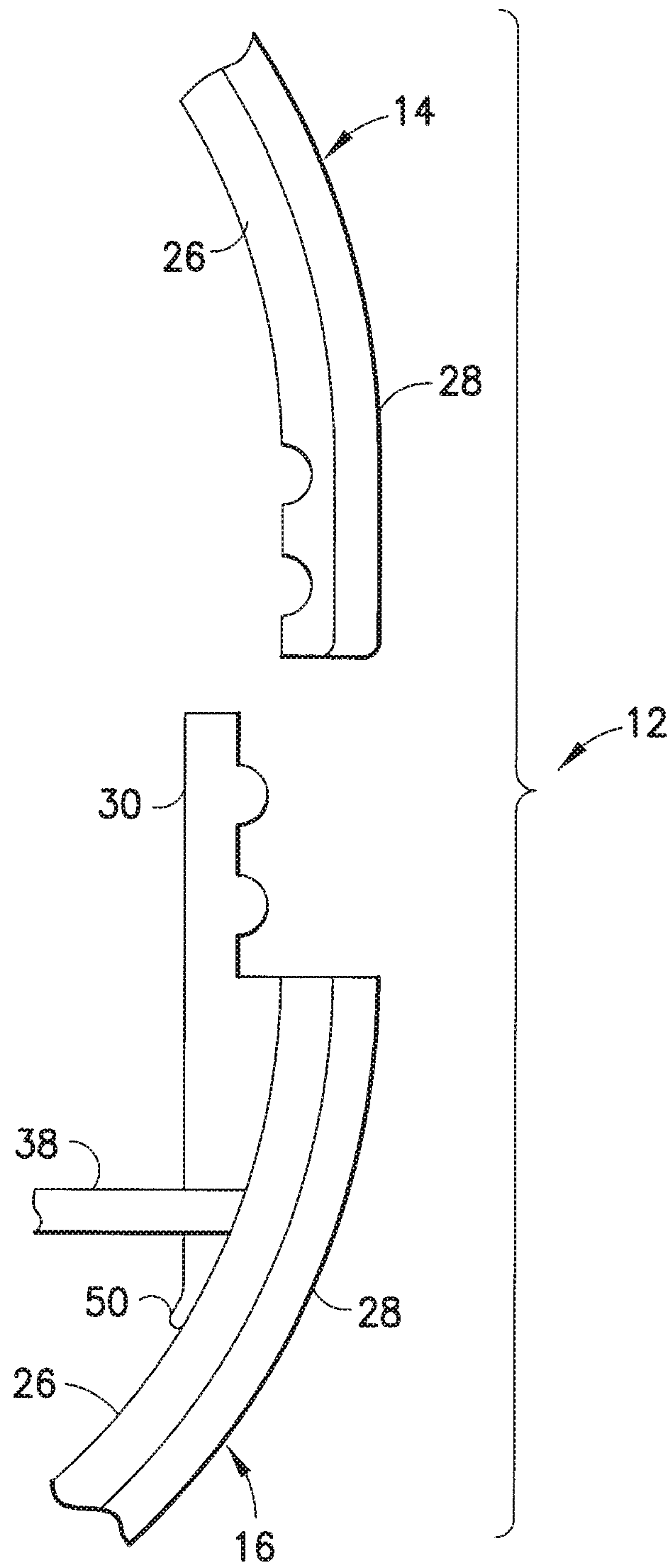


FIG. 3

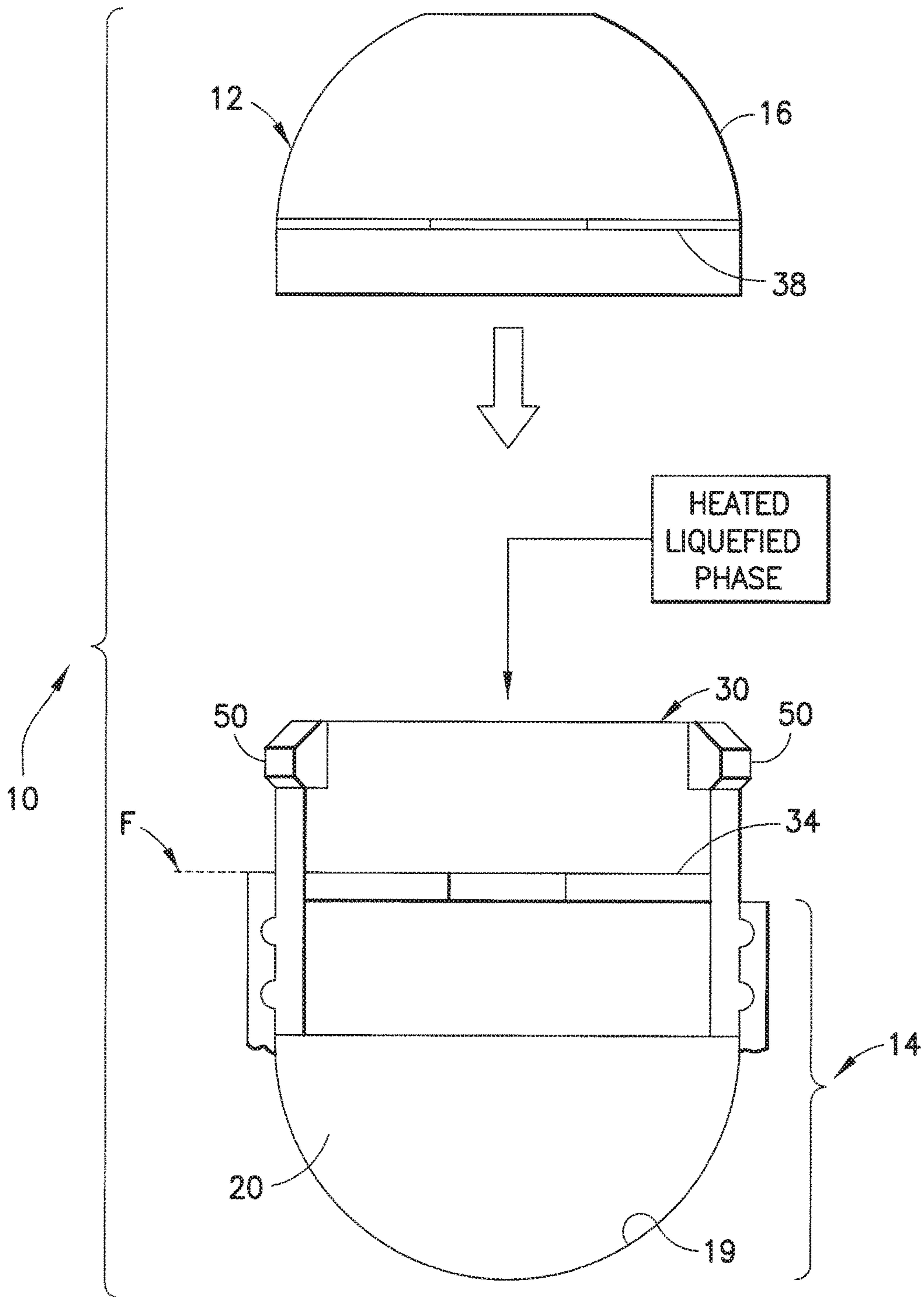


FIG. 4

LIP BALM WITH SPHERICAL SURFACE AND METHOD FOR PRODUCING

The present application is a continuation of U.S. application Ser. No. 13/941,204, filed Jul. 12, 2013; which is a continuation of U.S. application Ser. No. 13/891,268, filed May 10, 2013 (now abandoned); which is a continuation of U.S. application Ser. No. 12/632,114, filed Dec. 7, 2009 (now U.S. Pat. No. 8,444,337); all of which are incorporated by reference herein.

TECHNICAL FIELD

The present invention relates to lip balms and, more particularly, a lip balm having a spherical surface and manufactured using a hot pour process.

BACKGROUND

Skin on and around the lips can often become chapped or otherwise damaged due to overexposure from elements such as sun and/or wind, particularly during athletic activities in which a person's face remains exposed to these elements for extended periods of time. The same skin can also become chapped or damaged while carrying out everyday non-athletic activities. For example, working outside in extreme cold, dry heat, or sun can also cause damage to the skin on the lips. Even working indoors or sleeping in dry conditions can cause the lips to chap, thereby leading to the development of cracks, which are often painful and can become infected.

Lip balms are often applied to prevent chapped lips. When applied prior to exposure to sun, wind, dry heat, or other extreme conditions, the lip balm can provide suitable protection to the skin on and around the lips. Even when applied after the skin on the lips is chapped, the lip balm can prevent any further damage from occurring. In either case, by providing a protective layer of lip balm, the risk of an infection developing in the damaged skin is minimized.

Lip balms are currently sold as emulsions, liquids, gels, or solids. In emulsion or liquid form, the lip balms are generally packed in containers such as jars. Gels (and liquids on occasion) are typically dispensed from squeeze tubes. Solid lip balms are generally packaged in stick form and dispensable from tubes or from lipstick-type applicators.

Solid lip balms are commonly manufactured using either a hot pour process or a bullet process. In the hot pour process, the lip balm ingredients are combined and heated in a liquefied phase. The liquid is then directly poured into the final consumer package, where it is cooled and solidifies. In the bullet process, the lip balm ingredients are also combined and heated in a liquefied phase. However, in the bullet process, the liquefied balm is poured into molds where it is cooled and solidified. The balm may then be cut into the desired shape and inserted into the consumer package.

The choice of the method used for a particular product depends on the design/functionality of the package, the additives in the balm, and the desired characteristics of the lip balm (color, feel, shape, and the like).

SUMMARY

In one aspect, the present invention resides in a lip balm applicator product that is substantially spherical in shape. The applicator product comprises upper and lower portions that are connectable together to define the substantially spherical shape of the applicator product. A support platform

is located in the lower portion and accommodates a quantity of lip balm having an arcuate surface that can be exposed upon separation of the upper portion from the lower portion.

In another aspect, the present invention resides in a lip balm product comprising a composition of waxes and oils in solid form and formed to have an arcuate surface. The wax and oil composition can be eroded upon being drawn across a surface such as a user's lips. The composition is formed to have the arcuate surface using a hot pour process.

In another aspect, the present invention resides in a method of manufacturing a lip balm. In such a method, a receptacle having a concave arcuate surface is provided. A lip balm material in a heated, liquefied phase is also provided and poured into the receptacle. Once poured, the heated, liquefied phase is allowed to solidify such that a surface of the solidified lip balm material has an arcuate configuration that corresponds to the concave arcuate surface of the receptacle.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of a lip balm applicator, of the present invention.

FIG. 2 is a perspective exploded view of the lip balm applicator of FIG. 1.

FIG. 3 is a schematic view of a portion of a receptacle of the lip balm applicator of FIG. 1.

FIG. 4 is a schematic representation of a hot pour process of manufacturing a lip balm having an arcuate surface.

DETAILED DESCRIPTION

As is shown in FIG. 1, a lip balm applicator product having a lip balm composition is designated generally by the reference number 10 and is hereinafter referred to as "applicator 10." Applicator 10 comprises a receptacle 12 having the lip balm composition located therein. The receptacle 12 is substantially spherical in shape. The present invention is not limited in this regard, as the receptacle 12 may be substantially cylindrical with rounded surfaces, egg-shaped, ovate, or the like. The receptacle 12 comprises an upper portion 14 and a lower portion 16, the portions being separable from each other along a line L that extends substantially circumferentially about the receptacle perpendicular to a major axis M extending longitudinally through the receptacle. An interior surface 19 of the upper portion 14 of the receptacle 12 is defined by a concave surface having a spherical or arcuate topography. Although various surfaces described herein are referred to as being spherical, it should be understood that the term "spherical" includes arcuate surfaces.

The upper portion 14 and the lower portion 16 are connectable together via any suitable means such as the interengagement of threads. The present invention is not limited in this regard, as other mechanisms may be used to connect the upper portion 14 and the lower portion 16 together (e.g., engaging surfaces that fit together frictionally). The lip balm composition is located in the lower portion 16 and is hereinafter referred to as "lip balm 20."

The outer surface of the receptacle 12 includes a depression 18 formed partly on the upper portion 14 and partly on the lower portion 16. The depression 18 is a divot formed in the receptacle 12 that accommodates the thumb of a user to facilitate the opening and closing of the receptacle by alternately separating and connecting the upper portion 14 and the lower portion 16.

Upon separation of the upper portion **14** from the lower portion **16**, the lip balm **20** is revealed. The lip balm **20** is mounted in the lower portion **16** on a support platform and is defined by a quantity of suitable lip balm material formed or otherwise configured to have a spherical shape that includes a spherical surface **22**. The spherical shape and spherical surface **22** allows the lip balm material to extend above the upper edge of the lower portion **16**, thereby facilitating the uninhibited application of the lip balm to a user's lips. The present invention is not limited to the lip balm **20** being configured to have a spherical shape and spherical surface **22**, however, as other configurations are within the scope of the present invention.

Referring now to FIG. **2**, the support platform on which the lip balm **20** is mounted is designated generally by the reference number **30**. The support platform **30** is a wheel having an outer rim **32** and threads **17** located thereon. A plurality of prongs **50** is located along a lower edge of the outer rim **32** (the edge opposite the threads **17**) to facilitate the connection of the support platform **30** to connecting structure such as ridges **38** in the lower portion **16**. In the assembly of the receptacle **10**, the prongs **50** allow the support platform **30** to be snappingly received on lower portion **16**.

The support platform **30** includes a plurality of spokes **34** that extend from the outer rim **32** and that terminate at a hub **36**. Both the widths of the spokes **34** and the diameter of the hub **36** are selected to provide a suitable area on which the lip balm **20** can be supported. The spokes **34** extend from the hub **36** at equal angles and connect with an inner surface of the outer rim **32**. The present invention is not limited to the use of spokes and hubs, as the area bounded by the outer rim **32** can be solid. Although the outer rim **32** is described as being substantially circular, a portion along the edge of the outer rim is flattened to allow for the accommodation of the depression **18**.

Referring now to FIG. **3**, both the upper portion **14** and the lower portion **16** of the receptacle **12** comprise a thermoplastic elastomer (TPE) injection molded over a plastic form comprising acrylonitrile-butadiene-styrene (ABS) copolymer. Accordingly, the defining surfaces of both the upper portion **14** and the lower portion **16** comprise a bottom layer **26** of ABS copolymer covered by a top layer **28** of TPE. The present invention is not limited to the bottom layer **26** being ABS copolymer, however, as the bottom layer in one or both of the upper portion **14** and the lower portion **16** can be polyethylene (PE). In such an alternate configuration, the tactile sensation to the user is slightly different upon handling the receptacle **12**. In any configuration, the material of the top layer **28** provides a desirable tactile sensation to the user of the applicator **10**, namely, by providing a soft surface that can be easily gripped, thereby facilitating the easy opening and closing of the receptacle **12**.

The lip balm **20** comprises a quantity of suitable lip balm material. One exemplary lip balm material is a composition that is at least in part a blend of beeswax, coconut oil, olive oil, and jojoba oil that can be eroded when drawn over a surface (e.g., lips). The present invention is not limited to the lip balm material being a blend of such wax and oils, however, as other materials (e.g., petrolatum and petrolatum-based compounds) are within the scope of this disclosure. The blend of beeswax, coconut oil, olive oil, and jojoba oil can also include various ingredients including, but not limited to, emollients, ultraviolet protective agents, moisturizers, vitamins, aloe vera, colorants, fragrances, and the like. Drawing the material over a surface such as the lips causes the material to transfer to the surface as a film.

The spherical outer surface **22** of the lip balm **20** defines a mound-shaped quantity of the lip balm material. The spherical or mound shape provides desirable tactile sensations and use benefits as compared to stick (tubular) forms of the lip balm material. Desirable tactile sensations result from the spherical shape having a larger exposed surface area (as compared to the stick forms of the lip balm material) and the tactile sensation of a curved surface against the lips. Use benefits include the ability to apply the lip balm material to both lips simultaneously.

Referring now to FIG. **4**, the lip balm **20** is manufactured from the lip balm material using a hot pour process. In using the hot pour process, the lip balm ingredients are combined and heated in a liquefied phase and poured into the final consumer packaging, which in this case is the receptacle **12**. In preparation for the hot pour process, the support platform **30** is assembled with the upper portion **14** and inverted such that the support platform is level and vertical with regard to the upper portion. Orienting the assembled upper portion **14** and support platform **30** in this manner allows for the heated and liquefied phase to be poured into the upper portion and retained therein. The interior surface **19** of the upper portion **14** may be coated with a release agent prior to pouring the heated and liquefied phase, which thereby allows for efficient and clean removal of the upper portion by the user when using the finished product.

After the heated and liquefied phase is poured into the upper portion **14** and filled to a level **F** to cover at least a portion of the spokes **34**, the liquefied phase is cooled or allowed to cool. The spokes **34** provide surfaces onto which the solidified lip balm material can adhere. The present invention is not limited to the solidification of the lip balm material around spokes, however, as the support platform can include any suitable configuration of surfaces around which the lip balm material can solidify. Upon sufficient solidification of the lip balm material, the lower portion **16** is inserted onto the assembled and filled upper portion **14** and support platform **30**.

The use of the hot pour method in manufacturing the lip balm **20** defined by the spherical surface **22** provides cost benefits over similar methods that use the bullet method. In particular, using the hot pour method obviates the need for an intermediate step in which hot liquid is poured into separate molds, thereby also eliminating the need for additional equipment (molds). Furthermore, the additional steps of removing solidified product from molds and processing and handling the solidified product are avoided.

Although this invention has been shown and described with respect to the detailed embodiments thereof, it will be understood by those of skill in the art that various changes may be made and equivalents may be substituted for elements thereof without departing from the scope of the invention. In addition, modifications may be made to adapt a particular situation or material to the teachings of the invention without departing from the essential scope thereof. Therefore, it is intended that the invention not be limited to the particular embodiments disclosed in the above detailed description, but that the invention will include all embodiments falling within the scope of this disclosure.

We claim:

1. A method of manufacturing a lip balm applicator comprising:
 - pouring liquefied phase lip balm into an upper portion of a lip balm enclosure, the lip balm enclosure comprising:
 - the upper portion releasably attachable to a sub-assembly, the sub-assembly comprising:

5

a lower portion having an interior surface and an exterior surface, and
 a support structure connected to the interior surface of the lower portion, the support structure comprising a plurality of surfaces extending radially inward from the interior surface of the lower portion; and
 solidifying the lip balm such that the lip balm is attached to and mounted on the support structure, the lip balm extending into the upper portion when the upper portion is attached to the sub-assembly;
 wherein the upper portion is releasably attached to the sub-assembly with interlocking threads.

2. The method of claim 1, wherein an exterior shape of the solidified lip balm substantially matches a shape of an interior surface of the upper portion.

3. The method of claim 1, wherein the upper portion comprises an inner layer and an outer layer.

4. The method of claim 3, wherein at least one of the inner layer or the outer layer comprises a thermoplastic elastomer.

5. The method of claim 3, wherein the outer layer is softer than the inner layer.

6. The method of claim 3, wherein the inner layer comprises a releasing agent.

7. The method of claim 1, wherein the support structure is substantially circular.

8. The method of claim 1, wherein the lip balm applicator is symmetrical about a major axis of the lip balm enclosure.

9. The method of claim 1, wherein the solidified lip balm comprises an arcuate surface.

10. The method of claim 1, wherein the solidified lip balm comprises a spherical surface.

11. The method of claim 1, wherein the solidified lip balm has an exterior shape that complements the upper portion of the lip balm enclosure.

12. The method of claim 1, wherein the lip balm comprises petrolatum.

13. The method of claim 1, wherein the lip balm comprises at least one moisturizer.

14. The method of claim 1, wherein the lip balm comprises at least one ultraviolet protective agent.

15. A method of manufacturing a lip balm applicator comprising:
 pouring liquefied phase lip balm into an upper portion of a lip balm enclosure, the lip balm enclosure comprising:
 the upper portion releasably attachable to a sub-assembly, the sub-assembly comprising:
 a lower portion having an interior surface and an exterior surface, and
 a support structure connected to the interior surface of the lower portion, the support structure comprising at least one surface extending inward from the interior surface of the lower portion; and
 solidifying the lip balm such that the lip balm is attached to and mounted on the support structure, the lip balm extending into the upper portion when the upper portion is attached to the sub-assembly;
 wherein the upper portion is releasably attached to the sub-assembly with interlocking threads.

16. The method of claim 15, wherein an exterior shape of the solidified lip balm substantially matches a shape of an interior surface of the upper portion.

17. The method of claim 15, wherein the upper portion comprises an inner layer and an outer layer.

6

18. The method of claim 17, wherein at least one of the inner layer or the outer layer comprises a thermoplastic elastomer.

19. The method of claim 17, wherein the outer layer is softer than the inner layer.

20. The method of claim 17, wherein the inner layer comprises a releasing agent.

21. The method of claim 15, wherein the support structure is substantially circular.

22. The method of claim 15, wherein the lip balm applicator is symmetrical about a major axis of the lip balm enclosure.

23. The method of claim 15, wherein the solidified lip balm comprises an arcuate surface.

24. The method of claim 15, wherein the solidified lip balm comprises a spherical surface.

25. The method of claim 15, wherein the solidified lip balm has an exterior shape that complements the upper portion of the lip balm enclosure.

26. The method of claim 15, wherein the lip balm comprises petrolatum.

27. The method of claim 15, wherein the lip balm comprises at least one moisturizer.

28. The method of claim 15, wherein the lip balm comprises at least one ultraviolet protective agent.

29. A method of making a lip balm applicator comprising:
 selecting packaging for the lip balm applicator, wherein the packaging comprises a mold portion having threads on an interior surface, and a lower portion having threads on an exterior surface and a lip balm support structure connected to an interior surface of the lower portion;
 orienting at least the mold portion of the packaging to receive and retain a heated liquefied phase lip balm;
 pouring the heated liquefied phase lip balm through the lip balm support structure into the mold portion; and
 solidifying the lip balm such that the lip balm is attached to and mounted on the support structure, the lip balm extending into the mold portion when the mold portion is attached to the lower portion;
 wherein when the packaging is assembled, the lip balm is revealed by disengaging the threads located on the interior surface of the mold portion from the threads located on the exterior surface of the lower portion.

30. The method of claim 29, wherein an exterior shape of the solidified lip balm substantially matches a shape of the interior surface of the mold portion.

31. The method of claim 29, wherein the mold portion comprises an inner layer and an outer layer.

32. The method of claim 31, wherein at least one of the inner layer or the outer layer comprises a thermoplastic elastomer.

33. The method of claim 31, wherein the outer layer is softer than the inner layer.

34. The method of claim 31, wherein the inner layer comprises a releasing agent.

35. The method of claim 29, wherein the support structure is substantially circular.

36. The method of claim 29, wherein the lip balm applicator is symmetrical about a major axis of the lip balm applicator.

37. The method of claim 29, wherein the solidified lip balm comprises an arcuate surface.

38. The method of claim 29, wherein the solidified lip balm comprises a spherical surface.

39. The method of claim 29, wherein the solidified lip balm has an exterior shape that complements the mold portion of the packaging.

40. The method of claim 29, wherein the lip balm comprises petrolatum. 5

41. The method of claim 29, wherein the lip balm comprises at least one moisturizer.

42. The method of claim 29, wherein the lip balm comprises at least one ultraviolet protective agent.

43. The method of claim 29, wherein the support structure 10 comprises at least one surface extending inward relative to an interior surface of the lower portion.

44. The method of claim 29, wherein the support structure comprises a plurality of surfaces extending radially inward relative to the interior surface of the lower portion. 15

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 9,585,458 B2
APPLICATION NO. : 15/016257
DATED : March 7, 2017
INVENTOR(S) : Jonathan Teller et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page

Page 3, Item (56) References Cited, Other Publications:

Column 2, Line 29: change "purpous" to -- purpose --; and

Column 2, Line 42: change "budget-eos-lip-b- alm-review.html,Oct. 1, 2009." to
-- budget-eos-lip-balm-review.html, Oct. 1, 2009. --.

Page 4, Item (56) References Cited, Other Publications:

Line 27: change "sponge-power-puffround-rectangle-puff-beauty-makeup-tool-p-" to
-- sponge-power-puff-round-rectangle-puff-beauty-makeup-tool-p- --; and

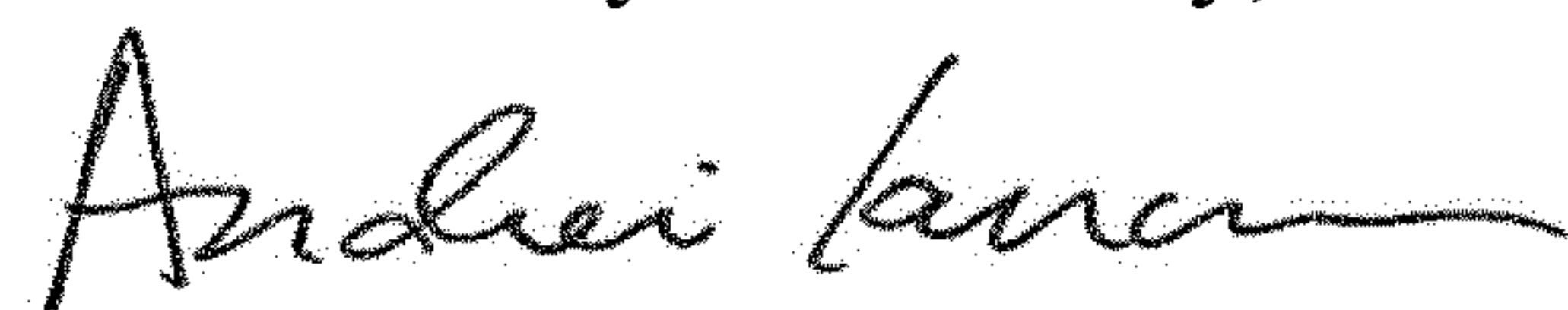
Line 32: change "beauty-cute-shapesponge-make-foundation-makeuprandom-color-" to
-- beauty-cute-shape-sponge-make-foundation-makeuprandom-color- --.

In the Claims

Column 6, Claims 26, 27, and 28:

Lines 20, 22, and 24: delete "of claim" (first occurrence).

Signed and Sealed this
Twelfth Day of February, 2019



Andrei Iancu
Director of the United States Patent and Trademark Office